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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

RIKKY WAYNE GUTIERREZ,

Defendant.

2:15-cr-068-LDG-VCF

STIPULATION TO CONTINUE
GOVERNMENT'S DEADLINE TO
RESPOND TO DEFENDANT'S
MOTION TO SUPPRESS
(First Request)

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Amber M. Craig, Assistant United States Attorney, counsel for the United States of America, and William Carrico, counsel for Defendant James Alva, that the Government's deadline to respond to the Defendant's Motion to Suppress, currently scheduled for May 1, 2015, be vacated and continued for thirty (30) days, or to a date to be set at the Court's convenience.

This stipulation is entered into for the following reasons:

1. The parties are engaged in plea negotiations which may resolve the case without the need to litigate the Motion to Suppress.
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.
4. Additionally, denial of this request for continuance could result in a miscarriage of

1 justice.

2 5. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United
5 States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

6 6. This is the first request for a continuance filed herein.

7 DATED this 30th day of April, 2015.

8 DANIEL G. BOGDEN
9 United States Attorney

10 /s/ William Carrico
11 WILLIAM CARRICO
12 Counsel for Defendant Gutierrez

13 /s/ Amber M. Craig
14 AMBER M. CRAIG
15 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties are engaged in plea negotiations which may resolve the case without the need to litigate the Motion to Suppress.
2. The Defendant is in custody and does not object to the continuance.
3. For the reasons stated above, the ends of justice would best be served by a continuance of the response deadline.
4. Additionally, denial of this request for continuance could result in a miscarriage of justice.
5. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Sections 3161(h)(3)(A) and (h)(7)(A), considering the factors under Title 18, United States Code, Sections 3161(h)(7)(B)(i) and (h)(7)(B)(iv).

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the Defendant in a speedy trial, since the failure to grant said continuance would be likely

1 to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity
2 within which to be able to effectively and thoroughly prepare for trial, taking into account the
3 exercise of due diligence.

4 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United
5 States Code, Sections 3161(h)(1)(A), (h)(7)(A), (h)(7)(B)(i), and (h)(7)(B)(iv).

6 **ORDER**

7 IT IS THEREFORE ORDERED that the Government's deadline to file its response to
8 Defendant's Motion to Suppress, currently scheduled for May 1, 2015, be vacated and continued
9 to the 1st day of June, 2015.

10 DATED this 30th day of April, 2015.

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13 HONORABLE CAM FERENBACH
14 UNITED STATES MAGISTRATE JUDGE
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